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5 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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IRVIN TERRELL TATUM,
Petitioner,
vs.
ROBERT HOREL, Warden,
Respondent.

No. C 08-3680 WHA (PR)

ORDER OF DISMISSAL

15 This is a habeas case filed pro se by a state prisoner. He seeks to challenge a rules
16 violation conviction which resulted in his being placed in the Security Housing Unit. Because
17 petitioner did not lose any good time as a result of the conviction, it appeared that the
18 disciplinary conviction might not be a proper subject of a habeas petition. *See Moran v.*
19 *Sondalle*, 218 F.3d 647, 650-52 (7th Cir. 2000); *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir.
20 1991) (civil rights action is proper method of challenging conditions of confinement); *Crawford*
21 *v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on
22 basis that challenges to terms and conditions of confinement must be brought in civil rights
23 complaint). Petitioner was ordered to show cause why the petition should not be dismissed. He
24 has responded.

25 In his response petitioner contends only that the petition should be allowed to proceed
26 because his constitutional rights were violated in the disciplinary proceeding. This does not go
27 to whether the proceeding affected the fact of his confinement or the length of it. The petition
28 therefore will be dismissed.

CONCLUSION

For the reasons set out above, the habeas petition is **DISMISSED**. The clerk shall close the file.

IT IS SO ORDERED.

Dated: September 10, 2008.

Wm. Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE